

# **EXHIBIT P**

# Estate of Marcos Elarat

# VCF Documentation



September 11th  
Victim Compensation Fund

August 11, 2020

SARA ELARAT  
[REDACTED]

**Re: CLAIM NUMBER: VCF0092244**

Dear SARA ELARAT:

The September 11th Victim Compensation Fund ("VCF") has reviewed your claim for eligibility. You submitted a claim form on behalf of MARCOS ELARAT.

**The Decision on your Claim**

The VCF has determined that the decedent has met the eligibility criteria established in the statute and regulations. Based on the information you submitted and information the VCF has received from the World Trade Center ("WTC") Health Program, the decedent has been found eligible for the following injuries:

- MALIGNANT NEOPLASM OF THE PROSTATE WITH METASTASES

Please note that there are several reasons why an injury that you think should be eligible is not listed above. For non-traumatic injuries, the name of the injury is based on the information provided by the WTC Health Program and there may be different names for the same injury. Additionally, your injury may not be listed if it was only recently certified for treatment by the WTC Health Program.

If in the future the WTC Health Program should notify you that a condition previously found eligible is no longer certified, you must inform the VCF as this may affect your eligibility status and/or the amount of your award.

**What Happens Next**

**If the decedent was certified for treatment by the WTC Health Program for a condition not listed above**, you should amend your claim. Please see the VCF website for details on how to amend your claim. The VCF will review the new information and determine if it provides the basis for a revised decision.

**If you believe the decedent had eligible injuries not treated by the WTC Health Program** and you would like the VCF to consider those injuries before calculating the amount of any compensation, you should amend your claim. If you choose to amend your claim, you will need to use the VCF Private Physician process. The Private Physician process is a way for the VCF to gather the required information about the decedent's treatment in order to process your claim. All forms are available on the VCF website under "Forms and Resources." The website also includes detailed information and instructions on the Private Physician process.



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**If the decedent did not have injuries other than those listed above,** you should submit the compensation section of your claim form and the required supporting materials if you have not already done so. If you have already submitted this information, you do not need to take any action at this time unless you receive a request from the VCF for missing information. The VCF will calculate the amount of any compensation based on the conditions listed above after all compensation-related documents are submitted.

If you have questions about the information in this letter or the claims process in general, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0092244**. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: WENDELL TONG



September 11th  
Victim Compensation Fund

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November 9, 2020

SARA ELARAT  
C/O WENDELL TONG  
SULLIVAN PAPAIN BLOCK MCGRATH & CANNAVO, PC  
120 BROADWAY 18TH FLOOR  
NEW YORK NY 10271

**Re: CLAIM NUMBER: VCF0092244**

Dear SARA ELARAT:

The September 11th Victim Compensation Fund (“VCF”) has reviewed your claim for compensation. Your claim form was determined to be substantially complete on October 19, 2020. This means your claim was deemed “filed” for purposes of section 405(b)(3) of the Statute on that date.

After reviewing the responses in your claim form, the documents you submitted in support of your claim, and information from third-party entities, the VCF has calculated the amount of your award as [REDACTED]. This determination is in accordance with the requirements of the Never Forget the Heroes: James Zadroga, Ray Pfeifer, and Luis Alvarez Permanent Authorization of the September 11th Victim Compensation Fund Act (“VCF Permanent Authorization Act”). The enclosed “Award Detail” includes a detailed explanation of the calculation and a list of the eligible conditions that were considered when calculating your award.

The award includes non-economic loss for both the personal injury and wrongful death claim, as well as burial costs and replacement services loss starting on the date Mr. Elarat passed away. We did not award loss of earnings because Mr. Elarat was over 65 when he stopped working and passed away. Generally, the VCF does not compensate economic loss associated with the loss of earning capacity if a victim was 65 years old or older absent evidence of a financial need to continue working.

No non-routine legal service expenses are approved for reimbursement for this claim.

As the Personal Representative, you are required to distribute any payment received from the VCF on behalf of the victim to the eligible survivors or other recipients in accordance with the applicable state law or any applicable ruling made by a court of competent jurisdiction or as provided by the Special Master.

**What Happens Next**

The VCF will deem this award to be final and will begin processing the full payment on your claim unless you complete and return the enclosed Compensation Appeal Request Form within **30 days from the date of this letter** as explained below. If you do not appeal, the Special Master will authorize the payment on your claim within 20 days of the end of the 30-



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day appeal period. Once the Special Master has authorized the payment, it may take up to three weeks for the United States Treasury to disburse the money into the bank account designated on the VCF ACH Payment Information Form or other payment authorization document you submitted to the VCF.

- **Appealing the Award:** You may request a hearing before the Special Master or her designee if you believe the amount of your award was erroneously calculated, or if you believe you can demonstrate extraordinary circumstances indicating that the calculation does not adequately address your loss. **If you choose to appeal, your payment will not be processed until your hearing has been held and a decision has been rendered on your appeal.**

To appeal the award, you must complete two steps by the required deadlines:

1. Complete and return the enclosed **Compensation Appeal Request Form** within **30 days from the date of this letter**. Follow the instructions on the form and upload it to your claim or mail it to the VCF by the required deadline. If you do not submit your completed Compensation Appeal Request Form within 30 days of the date of this letter, *you will have waived your right to an appeal* and the VCF will begin processing any payment due on your claim.
2. Complete and submit your **Compensation Appeal Package** (Pre-Hearing Questionnaire, Compensation Explanation of Appeal, and all applicable supporting documents) no later than **60 days from the date of this letter**. It is important that you carefully review the information enclosed with this letter and follow the instructions if you intend to appeal your award. Additional instructions on the appeals process can be found on the VCF website under “Frequently Asked Questions” and in the Policies and Procedures available under “Forms and Resources.”

Once your complete Compensation Appeal Package is submitted, the VCF will review the information to confirm you have a valid appeal, and will notify you of the next steps specific to your appeal and the scheduling of your hearing.

- **Notifying the VCF of new Collateral Source Payments:** You must inform the VCF of any new collateral source payments you receive, or become entitled to receive, such as a change to your disability or survivor benefits, as this may change the amount of your award. If you notify the VCF within 90 days of learning of the new collateral source payment, your award will not be adjusted to reflect the new entitlement or payment. If you notify the VCF more than 90 days after learning of the new or revised entitlement or payment, the VCF may adjust your award to reflect the new payment as an offset, which may result in a lower award. If you need to notify the VCF of a new collateral source payment, please complete the “Collateral Offset Update Form” found under “Forms and Resources” on the [www.vcf.gov](http://www.vcf.gov) website.

Your award was calculated using our published regulations, and I believe it is fair and reasonable under the requirements of the VCF Permanent Authorization Act. As always, I emphasize that no amount of money can alleviate the losses suffered on September 11, 2001.



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If you have any questions, please call our toll-free Helpline at 1-855-885-1555. Please have your claim number ready when you call: **VCF0092244**. For the hearing impaired, please call 1-855-885-1558 (TDD). If you are calling from outside the United States, please call 1-202-514-1100.

Sincerely,

Rupa Bhattacharyya  
Special Master  
September 11th Victim Compensation Fund

cc: SARA ELARAT



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Victim Compensation Fund

## Award Detail

Claim Number: VCF0092244  
Decedent Name: MARCOS ELARAT

<b>PERSONAL INJURY CLAIM (Losses up to Date of Death)</b>	
<b>Lost Earnings and Benefits</b>	
Loss of Earnings including Benefits and Pension	\$0.00
Mitigating or Residual Earnings	\$0.00
<b>Total Lost Earnings and Benefits</b>	<b>\$0.00</b>
<b>Offsets Applicable to Lost Earnings and Benefits</b>	
Disability Pension	\$0.00
Social Security Disability Benefits	\$0.00
Workers Compensation Disability Benefits	\$0.00
Disability Insurance	\$0.00
Other Offsets related to Earnings	\$0.00
<b>Total Offsets Applicable to Lost Earnings</b>	<b>\$0.00</b>
<b>Total Lost Earnings and Benefits Awarded</b>	<b>\$0.00</b>
<b>Other Economic Losses</b>	
Medical Expense Loss	\$0.00
Replacement Services	\$0.00
<b>Total Other Economic Losses</b>	<b>\$0.00</b>
<b>Total Economic Loss</b>	<b>\$0.00</b>
<b>Total Non-Economic Loss</b>	
<b>Subtotal Award for Personal Injury Claim</b>	



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DECEASED CLAIM (Losses from Date of Death)		
<b>Loss of Earnings including Benefits and Pension</b>		
<b>Offsets Applicable to Lost Earnings and Benefits</b>		
Survivor Pension		
SSA Survivor Benefits		
Worker's Compensation Death Benefits		
Other Offsets related to Earnings		
<b>Total Offsets Applicable to Loss of Earnings and Benefits</b>		
<b>Total Lost Earnings and Benefits Awarded</b>		\$0.00
<b>Other Economic Losses</b>		
Replacement Services		
Burial Costs		
<b>Total Other Economic Losses</b>		
<b>Total Economic Loss</b>		
<b>Non-Economic Loss</b>		
Non-Economic Loss - Decedent		
Non-Economic Loss - Spouse/Dependent(s)		
<b>Total Non-Economic Loss</b>		
<b>Additional Offsets</b>		
Social Security Death Benefits		
Life Insurance		\$0.00
Other Offsets		\$0.00
<b>Total Additional Offsets</b>		
<b>Subtotal Award for Deceased Claim</b>		



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<b>Subtotal of Personal Injury and Deceased Claims</b>	
PSOB Offset	\$0.00
Prior Lawsuit Settlement Offset	\$0.00
<b>TOTAL AWARD</b>	
<b>Factors Underlying Economic Loss Calculation</b>	
Annual Earnings Basis (without benefits)	
Percentage of Disability attributed to Eligible Conditions - applicable to Personal Injury losses	
Start Date of Loss of Earnings Due to Disability - applicable to Personal Injury losses	

<b>Eligible Conditions Considered in Award</b>
Malignant Neoplasm of The Prostate With Metastases

# Family Member Affidavits

Sara Lea Elarat

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
RAYMOND ALEXANDER, et al.,

**AFFIDAVIT OF  
SARA LEA ELARAT**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK )  
: SS  
COUNTY OF KINGS )

SARA LEA ELARAT, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at  
[REDACTED]

2. I am currently 74 years old, having been born on [REDACTED]

3. I am the wife of Decedent, Marcos Elarat, upon whose death my claims are based. I submit this Affidavit in support of the present motion for a default money judgment for the claim made on behalf of my husband's estate and for my solatium claim. On July 3, 2019, I was issued Letter Testamentary as Executor of my husband's estate by the Kings County Surrogate's Court.

4. My husband passed away from metastatic prostate cancer on December 30, 2018, at the age of 71. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001 terrorist attacks at the World Trade Center.

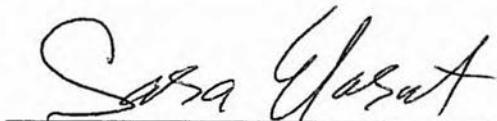
5. My husband, Marcos Elarat was a Real Estate Broker in New York City. He was extremely active in real estate, apartment rentals and sales. He financially supported our family until his last days, which included myself and my two daughters, Tali Kabilo and Adar Hilbert. My husband loved to travel, explore, and conquer. He was a very ambitious man that wanted to always make everything right for his family. Marcos's hobby was windsurfing. He owned 6 boards and sails. Traveling to islands such as Aruba, and Israel, was one of his main attractions. There were even local beaches in Brooklyn, NY that he would go to depending on the wind that day. We traveled to islands, Europe, and the Middle East. My husband held the throne in the house, and everyone was happy. He was always there to listen, talk, laugh, and support. Today I'm left all alone. He would take me food shopping, to my doctor's appointments, or just simply take me out for lunch, dinner, or a stroll in the city. Memories with his grandchildren that he didn't even make it to their Bar Mitzvahs. His grandchildren were his life. He gave them everything. Memories and memories. Today I am alone. I need to ask my daughter Tali to take time off from work to take me shopping for food, doctors, etc. My husband would financially help Tali and her children. He was their mentor.

6. Marcos worked for Citi Habitats. He was a real estate broker in New York City. His office was located on John Street in the Financial District/Wall Street in New York. Marcos had just arrived in downtown Manhattan off the Brooklyn Bridge when the planes crashed into the Twin Towers. Upon reopening the offices, when everything was cleaned up, Marcos was there daily. He was near ground zero for several years from day 1 of the terror attack.

7. Marcos's cancer slowly developed throughout the years after the exposure of 911. Marcos developed Prostate Cancer which was incurable. He deteriorated daily. He received chemotherapy, Hormone Therapy, and Blood Transfusions all on a weekly basis. This went on and on, different chemotherapies were done. Nothing helped. The doctors eventually said that the treatment needed to end, and it was a matter of time because it was not working. The doctors told us my husband had 2-3 months to live. Marcos passed away 2 days later.

8. The death of Marcos took a big effect on my life. I have been depressed, dislike

leaving the house, lost all my social activities, and travel has become dull. I need my daughters to take me everywhere, whether it's food shopping, doctor appointments, or to the beauty salon. This took a big toll on my life financially as well. I don't have the luxury and leisure that I did. I'm alone. I cannot even go to the cemetery to visit my husband unless someone can take me. I developed many fears. My life has completely changed. I am alone and struggling.



SARA LEA ELARAT

Sworn before me this

7<sup>th</sup> day of Sept, 2023

Max Steinberg  
Notary public

MAX STEINBERG  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01ST6321845  
Qualified in New York County 7  
My Commission Expires 07-17-2028

Adar Hilbert

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
RAYMOND ALEXANDER, et al.,

**AFFIDAVIT OF  
ADAR HILBERT**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW JERSEY      )  
                                 : SS  
COUNTY OF BERGEN      )

ADAR HILBERT, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at

2. I am currently 43 years old, having been born on

3. I am the daughter of Decedent, Marcos Elarat, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.

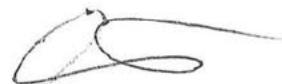
4. My father passed away from metastatic prostate cancer on December 30, 2018, at the age of 71. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

5. I am Marcos Elarat's youngest daughter. We were extremely close. My father was everything to my family and me. My father was adventurous, he loved to travel. He windsurfed up until a year into his illness. He was a healthy man who exercised every day, ate the healthiest diet. My dad would play and watch my kids all the time.

6. My dad worked for Citi Habitats in the financial district for two decades. He was there every day as a real estate agent. He was so loved by his coworkers.

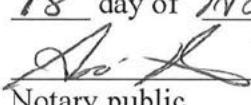
7. In 2017, my dad was diagnosed with prostate cancer. At the time of diagnosis, his cancer was already Stage IV and it had metastasized. He tried multiple rounds of chemotherapy and hormone therapy but was denied from a trial. It was terrible for a man who was so healthy and active. This killed him every day, he could not work at a point.

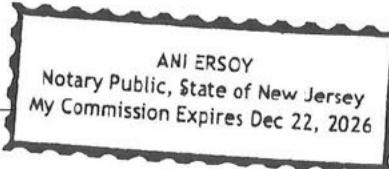
8. Even though it has been four years since my father's death, my family is still grieving. We are an extremely close family. We cry from it until this day. Holidays and celebrations always have a cloud over them because our patriarch is not here.



ADAR HILBERT

Sworn before me this

18 day of Aug, 2023  
  
Notary public



Tali Kabilo

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

----- X

In Re:

TERRORIST ATTACKS ON  
SEPTEMBER 11, 2001

03-MDL-1570 (GBD)(SN)

----- X  
RAYMOND ALEXANDER, et al.,

**AFFIDAVIT OF  
TALI KABILO**

Plaintiffs,

21-CV-03505 (GBD)(SN)

V.

ISLAMIC REPUBLIC OF IRAN,

Defendant.

----- X

STATE OF NEW YORK )  
: SS  
COUNTY OF NASSAU )

TALI KABILO, being duly sworn, deposes and says:

1. I am a plaintiff in the within action, am over 18 years of age, and reside at

2. I am currently 49 years old, having been born on

3. I am the daughter of Decedent, Marcos Elarat, upon whose death my claim is based, and submit this Affidavit in connection with the present motion for a default judgment and in support of my solatium claim.

4. My father passed away from metastatic prostate cancer on December 30, 2018, at the age of 71. It was medically determined that this illness was causally connected to his exposure to the toxins resulting from the September 11, 2001, terrorist attacks at the World Trade Center.

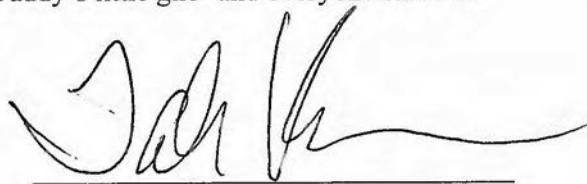
5. My father, Marcos Elarat, was a very successful man, unfortunately, he was diagnosed with cancer from the 9/11 terror attacks. My father was a real estate broker in the financial district of Manhattan. Years before that he also had factories in China manufacturing clothing, doing import/export. He was a brilliant man. My father taught me everything. I did not attend college, my father taught me about the garment district and real estate. My father was my mentor. My three kids were always around my father. Everything my father did always revolved around them. There wasn't a day he didn't see them from the day they were born. My father financially helped me as well, from living expenses to car leases to just spoiling me or my kids because he felt like it. I have so many memories of my father. Traveling the world, holidays, family gatherings, being snowed in, and many more. The impact this had on my life wasn't just a financial hit, but it was a mental hit as well. I fell into depression, having to take care of my mom Sara Elarat, and knowing that my father was not there for me anymore. My life will never be the same. My children even went into depression when their grandpa died on my couch in my living room. A stain in the heart that can never be removed.

6. My father, Marcos Elarat was a real estate broker. He worked for Citi Habitats on John Street, the heart of the financial Wall Street district in downtown Manhattan. On 9-11, the day of the attack, my father had just come off the Brooklyn Bridge into downtown Manhattan to go to his office on John Street when the first plane hit. He couldn't even make a U-turn from the chaos. Once the office reopened, he was there daily in the office. He worked like a machine to support his family. He worked there for many years.

7. My father's illness was slowly developing since the exposure. We would see him tired, weak, dizzy, and having a hard time urinating. All of this was the Prostate cancer developing in

his body from the exposed toxins in the downtown NYC area, where he worked. His treatment was very difficult. Chemotherapy weekly, Hormone therapy once a month, and blood transfusions weekly. These treatments wore him out. He couldn't eat, it was a battle for us to make him eat a slice of bread. To help, my sister and I would alternate every week for my parents to sleep in our home all week so that we can take care of them. I had to stop working, I was always there. This made my financial situation even worse. It came to the point where the doctors said nothing is working. They gave my father 2 months to live. I didn't have time to mentally accept what the doctors told me. We went back to my house, and 2 days later my father passed away on my couch surrounded by us and his grandchildren.

8. The death of my father Marcos Elarat took a big effect on my life. My father didn't get to attend my son's Bar Mitzvah. My father always wanted me to buy a house so that he would help me, but that didn't happen. My father was my mentor, I would always go to him for work-related questions, but he isn't there to answer anymore. He left us alone. Moments of depression fall on me that can last a week at a time. Family dinners and holidays were big in our family. He's not there to see my children grow up. This is just so upsetting how this happened to me. One day I had a father and the next day he was gone. I was always "Daddy's little girl" and everyone knew it!



TALI KABILO

Sworn before me this

26<sup>th</sup> day of September 2023

Max Steinberg  
Notary public

MAX STEINBERG  
NOTARY PUBLIC-STATE OF NEW YORK  
No. 01ST6321845  
Qualified in New York County  
My Commission Expires 07-17-2024